

PROB 12B
(7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED
2015 FEB -6 PM 3:13
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Lorenzo Garcia, TN: Lorenzo Garcia, Jr

Case Number: EP-12-CR-1362-DB

Name of Sentencing Judicial Officer: David Briones, Senior U.S. District Judge

Date of Original Sentence: October 5, 2012

Original Offense: Conspiracy to Commit Mail Fraud and Wire Fraud; 18 U.S.C. § 1349 and 1341

Original Sentence: Forty-two months (42) custody to be served concurrently with the sentence imposed in EP-11-CR-1830-DB, to be followed by a three (3) year term of supervised release, to be served concurrently with the supervised release imposed in EP-11-CR-1830-DB.

Type of Supervision: Supervised release **Date Supervision to Commence:** October 31, 2014

PETITIONING THE COURT

- ☐ To extend the term of supervision for _____ years, for a total term of _____ years.
☒ To modify the conditions of supervision as follows:

The Defendant shall pay restitution on a monthly basis of at least \$1,500 per month, or 15% of his gross income, whichever is greater.

CAUSE

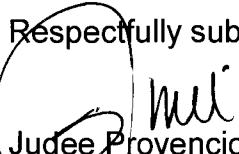
United States v. Albro, 32F.3d 173(5th Cir. 1994) states that while the district court may alter payment schedule under 18 U.S.C. § 3663(g) and is free to receive and consider recommendations from the probation officer in this regard, the district court must designate the timing and amount of said payments.

Lorenzo Garcia, TN: Lorenzo Garcia, Jr.
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Garcia has established residence in Houston, Texas. As such, a financial investigation was conducted by United States Probation officials of the Southern District of Texas, Houston division, on January 30, 2015, and it was found that Garcia has a monthly net income of approximately \$5,000. Hence, a payment schedule was arranged for the restitution/fine to be paid at a rate of no less than of \$1,500 per month. Garcia is employed for a roofing company and is assigned to open a branch in the Houston area. In addition to income earned from the roofing company, Garcia receives a monthly pension, wherein he nets after taxes, IRS withholdings, and child support garnishment, approximately \$5,000. It should be noted that any amount that is not paid near his end of term, the Financial Litigation Unit will be notified of for subsequent collection.

On January 30, 2015, Garcia waived his statutory rights to a hearing to modify the conditions of supervised release by endorsing the PROB 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision.

Respectfully submitted,


 Judgee Provencio
 U.S. Probation Officer
 Office (915) 585-5565
 Cellular (915) 861-8776
 Date: February 4, 2015

Approved by:


 David C. Trejo
 Supervising U.S. Probation Officer
 Office (915) 585-5576
 Cellular (915) 861-8369

THE COURT ORDERS:

- ☐ No action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other


 David Briones
 Senior U.S. District Judge

2-5-2015
 Date

PROB 49

**UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF TEXAS**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

United States of America

v.

Criminal No. EP-12-CR-1362-DB

Lorenzo Garcia, TN: Lorenzo Garcia, Jr.

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall pay the fine on a monthly basis at a rate of at least \$1,500 per month, or 15% of his gross income, whichever is greater. Fine payments to commence immediately upon satisfaction of the restitution balance in Case No. EP-11-CR-1830-DB, Western District of Texas.

Witness:


U.S. Probation Officer

Signed:


Lorenzo Garcia

Date: January 30, 2015